

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ERIE COUNTY ENVIRONMENTAL
COALITION, PENNENVIRONMENT,
INC. and THE GAIA DEFENSE LEAGUE,
Plaintiffs

v.

MILLCREEK TOWNSHIP SEWER
AUTHORITY AND MILLCREEK
TOWNSHIP,
Defendants

CIVIL ACTION NO. 05-59 ERIE
ELECTRONICALLY FILED

JUDGE COHILL

AFFIDAVIT OF EVAN E. ADAIR

COMMONWEALTH OF PENNSYLVANIA

SS:

COUNTY OF ERIE

I, EVAN E. ADAIR, first being duly sworn on oath and under penalty of perjury, hereby states as follows:

1. I currently am the Solicitor for Millcreek Township and have served in that capacity since August 1992.
2. As part of my duties as the Township's Solicitor, I am responsible for attending meetings of the Township's Board of Supervisors, drafting ordinances and providing legal services with respect to borrowings made or guaranteed by the Township.

3. I was also involved in negotiation of the 2003 Consent Order and Agreement (COA) with the PA Department of Environmental Protection.

4. On September 21, 2004, the Millcreek Township Board of Supervisors held a joint meeting with the Board of the Millcreek Township Sewer Authority (MTSA), which I attended. At that meeting, both Boards approved a bond issue of \$9,895,000 guaranteed by the Township that included over \$3,000,000 that was designated to finance the anticipated cost of improvements to the Kearsarge Pump Station, which were required under the 2003 COA. I prepared the Township's Ordinance 2004-13 enacted that date, which approved MTSA's plan to issue said bonds and the Township's guarantee of the bonds' payment. As a result of the actions of the Board of Supervisors and MTSA, I was authorized to represent the Township in all matters pertaining to the issuance of said bonds.

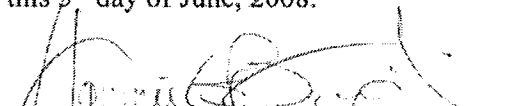
5. On October 20, 2004, closing was held on issuance of the bonds approved by the MTSA and Millcreek Township Boards to finance the construction of the improvements at the Kearsarge Pump Station required under the 2003 COA.



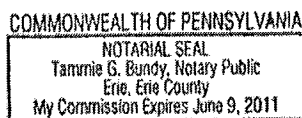
Evan E. Adair

Sworn to and subscribed before me

this 5th day of June, 2008.


Notary Public

1080273



CERTIFICATE OF SERVICE

I hereby certify that on June 5, 2008, the foregoing Affidavit of Evan E. Adair was filed electronically with the Clerk of Court using the Electronic Case Filing system. Notice of this filing will be sent to all parties by operation of the Court's ECF system and constitutes service of this filing under Rule 5(b)(2)(D) of the Federal Rules of Civil Procedure. Parties may access this filing through the Court's ECF system.

s/ Mark J. Shaw

Mark J. Shaw

PA 50763

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